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LETTER DATED 17 AUGUST 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter from Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, containing the views and positions of the Federal Republic of Yugoslavia on the current situation regarding the implementation of Security Council resolution 1244 (1999) and the military technical agreement (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Letter dated 16 August 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council

I submit the enclosed document with the official assessments and positions of the Government of the Federal Republic of Yugoslavia concerning the disturbing situation in the Serbian province of Kosovo and Metohija, which is the result of daily criminal acts of the so-called "KLA". These include daily killings, abductions, intimidation and a campaign of ethnic cleansing whose victims are Serbs, Montenegrins, Romanies, Muslims, Goranies, Turks and the non-Albanian population in general. Burning and destruction of houses, churches and historic monuments of Serbs and illegal violent occupation of private property continues. All of this is taking place in the presence of the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR under the auspices of the United Nations, which is in contravention of Security Council resolution 1244 (1999) and the military-technical agreement, and seriously damages the credibility of the United Nations and the Security Council itself.

The main causes of this very grave situation lie in the tolerant attitude towards the illegitimate and unacceptable behaviour and goals of the so-called "KLA", other criminal and bandit groups and, especially, in the delay of their disarmament.

I appeal to you to urgently convene a meeting of the Security Council in which this question will be considered, with the objective of undertaking the necessary steps and measures, in accordance with the responsibilities of the Security Council, so that the present negative and extremely disturbing trends will be energetically terminated and that the implementation of the obligations of UNMIK and KFOR, as defined by the Security Council in its resolution 1244 (1999), and the military-technical agreement will be efficiently secured.

I believe that, in the interest of objectivity and identifying the real causes of extremely serious security and humanitarian problems, the enclosed document, with facts and positions of my Government, will be given appropriate consideration.

(Signed) Zivadin JOVANOVIĆ

Enclosure

Implementation of Security Council resolution 1244 (1999) and the military-technical agreement: the current situation and positions of the Federal Republic of Yugoslavia

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, recalling its communications to the Security Council and the Secretary-General, as well as to the Heads of the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR and, in particular, the positions expressed in its memorandum of 27 July 1999 (S/1999/828, annex) relating to the current situation in the Serbian province of Kosovo and Metohija (hereinafter, the Province), has the honour to draw attention to the following facts and views:

1. Security Council resolution 1244 (1999) has unequivocally reaffirmed the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and, accordingly, defined the mandates and the terms of reference of UNMIK and KFOR.

By accepting the Ahtisaari-Chernomyrdin paper and by its consistent implementation of Security Council resolution 1244 (1999) and the military-technical agreement, the Federal Republic of Yugoslavia has confirmed its commitment to a peaceful solution for the Province on the basis of an autonomy guaranteeing full equality of citizens and national communities within the framework of the constitutional and legal systems of the Republic of Serbia and the Federal Republic of Yugoslavia.

2. Proceeding from the guarantees of the sovereignty and territorial unity of the Federal Republic of yugoslavia, as well as security guarantees for all citizens in the Province, proceeding also from the inadmissibility of a security gap and from guarantees of the security and inviolability of international borders and an understanding regarding the return of a contingent of the Yugoslav Army and of police forces to the Province, the Federal Republic of Yugoslavia expects that KFOR will in practice fulfil all its obligations, and in particular that it will guarantee the physical safety of citizens and their property, public order and peace.

3. The Federal Republic of Yugoslavia is deeply dissatisfied with, and seriously concerned over, many facts unambiguously showing that KFOR and UNMIK have not complied with their fundamental obligations as established in Security Council resolution 1244 (1999) and the military-technical agreement. The facts that follow bear witness to it. In the two months of KFOR and UNMIK taking responsibility for the safety of citizens and their property, by a systematic campaign of ethnic cleansing more than 200,000 Serbs, Montenegrins and other non-Albanians have been expelled from the Province. In those two months, the terrorists have killed over 200 and wounded more than 400 civilians, women, children and elderly people, mostly Serbs and other non-Albanian residents. About 40,000 private homes and dwellings shave been looted, demolished or burned, while 40 Serbian churches and medieval monasteries, many of which have been declared a part of European cultural heritage, have been burned down or

demolished. As many as 80,000 Serbs and other non-Albanian citizens have been intimidated and forced to leave their jobs. Responsibility for that lies with the evidently tolerant attitude of both KFOR and UNMIK towards the terrorist so-called "KLA" and criminal gangs being allowed to cross over illegally into the Province.

The obligation by the so-called "KLA" and other armed Albanian gangs and individuals to disarm has not been carried out, nor does the past attitude by KFOR regarding this vitally important obligation for the implementation of Security Council resolution 1244 (1999) give confidence that it will be strictly and effectively abided by.

Statements made by senior KFOR and UNMIK officials on alleged success in the demilitarization of the so-called "KLA" have been merely used as a cover for continuing the process of stockpiling and concealing huge quantities of weapons, from and via the territory of Albania, and partly from the territory of Macedonia as well. Ever since KFOR became responsible for the safety of citizens and their property, the Province has turned into a region of the largest build-up of uncontrolled, illegal weapons, terrorists, the drug mafia and criminal gangs in general, in contradiction of the main intent and basic goals of Security Council resolution 1244 (1999) and the military-technical agreement, thus posing a wider threat.

4. The assertions by KFOR, made in the monthly report of 10 August 1999 to the Security Council (S/1999/868), that the Serb exodus has slowed down as a result of KFOR efforts to ensure a safe environment, as well as the statements by KFOR and UNMIK officials to that effect, do not correspond to facts on the ground and divert attention from the heart of the matter. Indeed, the truth is that during the two months that KFOR and UNMIK have been deployed, nearly 200,000 Serbs and Montenegrins have been forcibly expelled from the Province in the face of "KLA" terrorism, so that only a small number of non-Albanians now remain in that part of Serbia. Of the 30,000 indigenous Serb and Montenegrin residents of Pristina before KFOR arrived, there are currently about 2,000, while the others were intimidated into departing. In the same period, more than 100,000 Albanians, citizens of Albania, among them a large number of criminals, plunderers, thugs, even members of the regular military forces of Albania, have entered and reside illegally in the Province with the permission of KFOR and UNMIK.

5. While UNMIK and KFOR, on the one hand, do not comply with their essential obligations under Security Council resolution 1244 (1999) and the military-technical agreement regarding personal safety and property security guarantees in respect of demilitarization of the so-called "KLA", and while overall they demonstrate an unacceptably tolerant attitude towards terrorists, bandits and proponents of violence, on the other hand, they seek to revise and enlarge in practice their mandate by ignoring the principle of sovereignty and territorial integrity, by showing disrespect for Yugoslav and Serbian laws and by delaying the implementation of their obligations to protect the rights and security of Serbs, Montenegrins, Romanies, Muslims, the inhabitants of Gora, Turks and non-Albanians in general.

6. Bearing in mind the aforementioned, the Government of the Federal Republic of Yugoslavia declares that it does not recognize, nor will it recognize, any changes, decisions or measures that are contrary to the provisions and purposes of Security Council resolution 1244 (1999), the Ahtisaari-Chernomyrdin paper and the military-technical agreement from Kumanovo. The Federal Republic of Yugoslavia retains the continuity of its sovereign rights in the Province as an integral part of its territory, in accordance with the Charter of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) Final Act and the universal principles of contemporary international law. The Federal Republic of Yugoslavia considers the guarantees of sovereignty and territorial integrity, as contained in resolution 1244 (1999), the Ahtisaari-Chernomyrdin paper and the military-technical agreement, final and unalterable.

7. For the reasons stated above, the Government of the Federal Republic of Yugoslavia expects the Security Council to consider urgently the presented problems and to take appropriate steps to ensure full and consistent implementation of resolution 1244 (1999), in particular:

(a) To ensure full respect for the territorial integrity and sovereignty fo the Federal Republic of Yugoslavia, as unequivocally provided for under Security Council resolution 1244 (1999) in operative paragraphs 10 and 11, annex 1 and annex 2, paragraph 8;

(b) To ensure respect for, and the application of, Yugoslav and Serbian laws and regulations. This implies the full respect of the unified legal, economic, financial (the dinar as the sole legal tender), tax, visa and passport systems and observance of the laws of the Republic of Serbia and the Federal Republic of Yugoslavia that are in force, in particular those relating to property, legal and status and administrative matters, registry of citizens and issuance of personal identification documents, passports and other identity papers. Arbitrary decisions and selectivity in applying the legislation are not founded on resolution 1244 (1999) and constitute a violation of the principle of sovereignty and territorial integrity;

(c) To energetically put an end to violence against, and the ethnic cleansing of, Serbs, Montenegrins and other non-Albanians, to cease the tolerant attitude towards the terrorist so-called "KLA", to establish the security of citizens and property and public order and peace in the Province and to conduct an effective investigation into the crimes committed, leading to the tracking down and arrest of all the perpetrators and those giving orders to them;

(d) To disarm immediately and effectively the terrorists of the so-called "KLA", as required by operative paragraphs 9 (b) and 15 of resolution 1244 (1999), and to trace the secret arms depots and cut off any further infiltration of illegal weapons;

(e) To ensure the full respect and inviolability of the state borders of the Federal Republic of Yugoslavia with Albania and Macedonia in their parts towards the Province and to prevent all illegal entries of non-residents of the Federal Republic of Yugoslavia;

(f) To deploy, without delay, contingents of the Yugoslav Army and police, both at the border crossings and inside the Province, in accordance with

operative paragraphs 9 (g) and 4 annex 2, paragraph 6, of resolution 1244 (1999) and the military-technical agreement;

(g) To ensure full safety of Yugoslav customs and other officers, including their protection at work, and effective and unhampered operation of customs, visa and passport services, as well as immigration, anti-crime, sanitary, phytopathological and veterinary control;

(h) To expel all non-residents of the Federal Republic of Yugoslavia who, with the permission of KFOR, have illegally entered the Province as part of the sovereign territory of Serbia and the Federal Republic of Yugoslavia in violation of resolution 1244 (1999) and the military-technical agreement and in breach of Yugoslav and international laws, rules and practices. In particular, we demand an immediate expulsion of the thugs and plunderers from Albania responsible for organized international crime, the drug mafia, arms smuggling, trade in people, the prostitution racket and other criminal gangs;

(i) To apply the unified visa regime and international agreements of the Federal Republic of Yugoslavia, implying the observance of the normal procedure under the Vienna Convention on Diplomatic Relations when foreign officials visit a part of the sovereign territory of the Federal Republic of Yugoslavia, the Province included; KFOR and UNMIK are not authorized to arrange or to allow the visits of foreign State representatives, with the exclusion of the Yugoslav authorities, since the Province is a part of the sovereign territory of the Federal Republic of Yugoslavia, which is exclusively responsible for international contacts and visits. Any other behaviour represents a gross violation of the substance of Security Council resolution 1244 (1999), international law and practice, and is not acceptable;

(j) To respect the democratic procedure and to cooperate in the process of the establishment of interim bodies of self-government with the competent authorities. UNMIK and KFOR are not authorized to impose arbitrarily, above and against the will of citizens belonging to individual ethnic communities, members of interim bodies (councils). Only legitimate representatives of national communities may sit on those bodies;

(k) To prevent the establishment of "offices", "bureaus", etc. of other States in the Province without the prior consent of the competent authorities of the Federal Republic of Yugoslavia;

(l) To provide full protection of human rights and to ensure and guarantee conditions for the safe return of all refugees and displaced Serbs, Montenegrins, Romanies, Muslims, inhabitants of Gora and other victims of an organized campaign of ethnic cleansing conducted by the terrorist so-called "KLA";

(m) To enable the reopening and unimpeded operation of the Serbian-language state and private media;

(n) To provide the protection of Serbian cultural, historic and religious monuments in the Province from the daily vandalizing by the terrorists of the so-called "KLA";

(o) KFOR and UNMIK have no right to declare, let alone treat, the indigenous Serbs and Montenegrins as a "national minority" in their own State, as was done in the monthly report to the Security Council on the KFOR operations (S/1999/868). This is incompatible with international standards, especially the Council of Europe Framework Convention for the Protection of National Minorities, which are related to States as subjects of international law and not to provinces and autonomies as administrative units within sovereign States;

(p) To ensure the inviolability of private property, to give back, without any further delay, all property acquired by violence and to restore in its entirety to its former state all movable and immovable property - flats, houses, companies and public institutions - and all other conditions and relationships that result from violence and illegal conduct of individuals and groups;

(q) To respect and protect the ownership rights of the State of Serbia and the Federal Republic of Yugoslavia over all movables and immovables and to respect and protect the status of public enterprises and systems, notably the EPC electricity company, PTT, Yugoslav Railways and others;

(r) To prevent, by resolute measures, all attempts at setting up illegal, parallel institutions, services, illegal police, organs and bodies, etc;

(s) To ensure full freedom of movement and access, as well as security, for humanitarian and other non-governmental organizations;

(t) To ensure unhindered participation of Yugoslav experts and forensic specialists in the investigation of criminal acts, especially terrorist assaults, murders and abductions, and to cooperate with the Yugoslav authorities, both in the elucidation of these crimes and the efforts to combat all forms of international organized crime;

(u) To halt urgently all steps and measures taken against the undertakings and without the participation of the competent Yugoslav authorities concerning the establishment of public and other services and the inadmissible favouring of Albanians over other ethnic communities.

8. Taking into account the fact that the Council is primarily responsible for the implementation of its resolution 1244 (1999), the Government of the Federal Republic of Yugoslavia urges the Council to take effective and resolute measures to implement its resolution 1244 (1999) and related documents fully and consistently in the interest of normalizing the overall situation and creating conditions for the start of a political process of establishing the parameters of the autonomy.

The Yugoslav Government reiterates that the conclusion of a comprehensive agreement between the Federal Republic of Yugoslavia, as the host country, and the United Nations is a necessary prerequisite for cooperation between the Yugoslav authorities and the international civil and security presences (UNMIK and KFOR) mandated by the United Nations, as well as for a successful implementation of Security Council resolution 1244 (1999), and it calls on the Secretary-General to negotiate and sign such an agreement.